

DETAILED ACTION

Examiner's Amendment

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Darin Gibby on February 18th, 2010.

The application has been amended as follows:

Claims 17-23 are cancelled.

Replace claim 1 as follows:

1. A medical method for treating a person whose heart is beating and who is suffering from an ailment which can benefit from a negative pressure in the thorax, the method comprising:

delivering a positive pressure breath to the person;
extracting respiratory gases from the patient's airway using a vacuum following the positive pressure breath to create an intrathoracic vacuum to lower pressure in the thorax to maintain a negative pressure between 0 mmHg and about -50 mmHg and to enhance blood flow back to the heart wherein the vacuum is maintained for about 0.5 seconds or above; and

repeating the steps of delivering positive pressure breaths and extracting respiratory gases to thereby treat said person suffering from said ailment.

Replace claim 24 as follows:

24. A device for lowering intrathoracic pressures, the device comprising:

a housing having an interface that is adapted to couple the housing to the person's airway;

a vacuum source in fluid communication with the housing for repeatedly extracting respiratory gases from the person's lungs and airway to create and periodically maintain a negative intrathoracic pressure for about 0.5 seconds or above;

a vacuum regulator to regulate the extraction of respiratory gases from the patient's lungs and airway such that the negative intrathoracic pressure is maintained for about 0.5 seconds or above; and

a positive pressure source in fluid communication with the housing for intermittently supplying positive pressure breaths to the person.

Replace claim 25 as follows:

25. A medical method for treating a person suffering from an ailment which can benefit from a negative pressure in the thorax, the method comprising:

delivering a positive pressure breath to the person;

Art Unit: 3772

extracting respiratory gases from the person's airway using vacuum following the positive pressure breath to create an intrathoracic vacuum to lower pressures in the thorax to maintain a negative pressure between 0 mmHg and about -50mmHg and to enhance blood flow back to the heart, wherein the vacuum is maintained for about one second or above; and repeating the steps of delivering positive pressure breaths and extracting respiratory gases to thereby treat said person suffering from the ailment.

Allowable Subject Matter

Claims 1-16, 24 and 25 are allowed.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIHIR PATEL whose telephone number is (571)272-4803. The examiner can normally be reached on 7:30 to 4:30 every other Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patricia Bianco can be reached on (571) 272-4940. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3772

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Nihir Patel/
Examiner, Art Unit 3772

/Patricia Bianco/
Supervisory Patent Examiner, Art Unit 3772